

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action mailed September 10, 2004.

Claims 1-12, 16-27 and 31-42 were rejected as being anticipated by Spiegel, U.S. Patent No. 6,629,079 B1. Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1 recites:

allowing modifications to be made to the first quote, the first quote lasting at least until a consolidation interval has elapsed, and

launching a quote conversion process, the quote conversion process being configured to determine whether the first quote has remained unmodified at least for the consolidation interval;

converting the first quote to a first executable order responsive to the launching step when the quote conversion process determines that the first quote has remained unmodified at least for the consolidation interval.

Claim 1, therefore, requires that 1) a quote conversion process launching step occur, and 2) that the converting step be responsive to the launching step. Therefore, the claimed method requires that the quote conversion process be launched and that the converting step be carried out responsive to the quote conversion process launching step. If the quote conversion process launching step is not carried out, according to the claimed invention, it cannot be determined whether the first quote has remained unmodified at least for the consolidation interval. In turn, if it is not determined whether the first quote has remained unmodified at least for the consolidation interval (because the quote conversion process was not launched), the claimed first quote is not converted to a first executable order. This is in accordance with the language of claim 1.

Therefore, to anticipate claim 1, Spiegel must teach both the quote conversion process launching step and the converting step that is responsive to this launching step. If it does not, it cannot anticipate claim 1 and its dependent claims.

It is respectfully submitted that Spiegel does not teach or suggest the launching of a quote conversion process or any conversion that is responsive to the launching of such a quote conversion process. Instead, Spiegel teaches that the items selected using the single-action ordering technique are automatically finalized after a predetermined time (e.g., 60 minutes), as explicitly stated in Col. 6, lines 29-37:

The single-action pending order sub-box 201b contains a list of the items that have been selected using single-action ordering, but have not yet been finalized. Items selected using the single-action ordering technique are automatically finalized after a predetermined time (e.g., 60 minutes). Before that predetermined time has expired, the user may change the order or manually finalize the order using the "finalize now" button in the single-action pending order sub-box.

Therefore, Spiegel teaches that the items selected are automatically finalized after a predetermined time. In contrast, the claimed invention requires the launch of a quote conversion process and requires that the quote conversion process be carried out responsive to the launching step. Neither of these steps are carried out, taught or suggested by Spiegel, who relies upon automatically finalizing items after a predetermined period of time.

It is, therefore, believed that the §102(e) rejection of the claims has been overcome. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Claims 1, 3-5, 7-14, 16, 18-20, 22-29, 31, 33-35 and 37-44 were rejected as being unpatentable over Hartman in view of Arrow. Reconsideration and withdrawal of these rejections are respectfully requested.

As the Examiner may recall, during the telephone interview of April 15, 2004, the Examiner agreed that the Hartman reference does not teach determining "whether the first quote has remained unmodified at least for the consolidation interval and "converting the first quote to a first executable order responsive to the launching step when the quote conversion process determines that the first

quote has remained unmodified at least for the consolidation interval.", as claimed herein. Indeed, the amendment of April 16, 2004 that incorporated these recitations in the claims was effective to overcome the 102(e) rejection over this same Hartman reference.

In the outstanding Office Action, the Office advances that Hartman teaches just these features "with the exception of monitoring the single quote" and that "Hartman and the invention function in the same way, only the invention involves a single quote." At the outset, it is respectfully submitted that none of the pending claims recite a monitoring step. Additionally, that Hartman and the claimed invention do not operate in the same way has previously been established, given the telephone interview of April 15, 2004 and the subsequent withdrawal of the 102 rejection of the claims over this reference. Moreover, it is also respectfully submitted that none of the claims are drawn to "a single quote." Quite simply, the "single quote" language does not appear in the claims – and no functionally similar language is present in the claims. While it is true that the claims recite "a first quote" nowhere are the claims limited to "a single quote" and that limitation should not be read into the pending claims. It is respectfully submitted that the language "a first quote" serves to differentiate this quote from the "second quote" recited in dependent claim 13, and does not operate to limit the scope of the claimed invention to any "single quote."

The Office also advances that "Hartman converts a single order to an unmodified executable order if no other additional orders have been entered within the consolidation interval" and points to Hartman's Col. 5, lines 48-50 in support thereof. However, Hartman at Col. 5, lines 48-50 does not state that a single order is converted to an unmodified executable order." Instead, Hartman, at lines 48-50, teaches that "the server system may combine single action orders that are placed within a certain time period (e.g., 90 minutes)." There is no teaching of converting a quote to

an order, only of combining existing orders – which is quite different. The claimed inventions are not defined by the claims in terms of combining orders, and it is respectfully submitted that a teaching of combining orders is not relevant to the claimed inventions.

The outstanding Office Action then relies upon the Arrow reference for the “use of a single quote through sourcing application which allows customers to update a single order for a predetermined time (p.1, lines 2-9).” However, Arrow only teaches to use the Internet to “initiate, update, or maintain orders in real time...” and “to place an order, add to or decrease the number of parts ordered and which parts are ordered and when they are shipped, and then track the order from shipment through delivery.” Therefore, Arrow only teaches that customers may increase or decrease the number of parts ordered and track the order after it ships. Nothing in Arrow is believed to remedy the fundamental shortcomings of the Hartman reference – that is, the lack of teaching or suggestion of the claimed launching step or of the claimed converting step that is responsive to this launching step. Therefore, the combination of Hartman and Arrow would not have taught the person of ordinary skill the invention defined by claim 1 or the inventions defined by the claims dependent thereon. Indeed, the Office’s §103(a) rejection appears predicated upon the premise that the pending claims somehow relate to a “single order” which is not the case, as discussed above.

Each of the independent claims 16 and 31 include similar recitations and are believed to be allowable for the same reasons as developed above.

It is believed that the rejections of the independent claims have been overcome. It is therefore not believed necessary, at this time, to discuss the rejections of the dependent claims at any length.

Applicants' attorney believes that all claims are allowable as incorporating allowable subject matter and that the present application is now in condition for an early allowance and passage to issue. If any unresolved issues remain, Examiner Brown is respectfully invited to contact the undersigned attorney of record at the telephone number indicated below, and whatever is required will be done at once.

Respectfully submitted,

Date:

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